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## REMARKS

The Applicant has carefully read and reviewed the Final Office Action mailed January 17, 2003, and the references cited therewith. Claims 1-17 were rejected. Claim 8 has been amended in this response. Claims 1-17, as amended, are pending in the application.

## Rejections under 35 U.S.C. § 102

Claims 1-3, 8-10 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Arnoldi (US 3,979,672). Among other reasons, the rejection the Claims per Arnoldi is not proper because Arnoldi does not disclose any method or apparatus that "appl[ies] a nominal voltage to an electronic component" as stated in Applicant's Claim 1, or "a nominal voltage" as stated in claim 8, as amended. Further, Arnoldi does not actually disclose any of the limitations of Claim 1 or of Claim 8, as amended.

As is well known, for a prior art to anticipate under 35 U.S.C. § 102(b), the prior art has to meet every element of the claimed invention. "A claim is anticipated **only if each and every element as set forth in the claim is found**, either expressly or inherently described, in a single prior art reference". *Verdegaal Bros., Inc. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053; 814 F.2d 628, 631 (Fed. Cir. 1987). Also, **"There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention."** *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ2d 1001, 1010, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

## Comments On The Rejection Of Claim 1

Specifically, Arnoldi does not disclose applying a nominal voltage, introducing a voltage disruption, and repeating the voltage disruption. It is clear from the description in Arnoldi, and from the Examiner's

statements, that the elements of Applicant's claim 1 are not expressly or inherently described. And, for at least the reasons described below, a person of ordinary skill in the field of the invention could not interpret the claimed invention to be the same as Arnoldi.

First, as mentioned in the previous response, Arnoldi does not disclose, describe, mention, teach, imply, hint at, or even remotely suggest "applying a **nominal voltage** to an electronic component" as stated in claim 1. Arnoldi clearly does not disclose applying a nominal voltage. In the electrical arts, the term "nominal" is well understood by one skilled in the art as "a term used to describe functional behavior as being within expected norms, or as designed." IEEE 100 The Authoritative Dictionary of IEEE Standards Terms 735 (7th ed. 2000). Also, the term "nominal voltage" is well understood by one skilled in the art to be, among other possible definitions, a

> "value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, 600 etc.) The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment." IEEE 100 The Authoritative Dictionary of IEEE Standards Terms 736 (7th ed. 2000).

Even further,

> "The term 'nominal voltage' designates the 'line to line' voltage, as distinguished from the 'line to neutral' voltage. It applies to all parts of the system or circuit." IEEE 100 The Authoritative Dictionary of IEEE Standards Terms 736 (7th ed. 2000).

Clearly, Arnoldi is definitely not applying a "nominal voltage" to the TUT; in fact, Arnoldi is not applying ANY voltage to the TUT.

Further, per the Examiner's own statements, the only thing Arnoldi provides is a "means responsive to the voltage across said energy storage means when said current is interrupted for providing a low impedance path . . ." and a "means for indicating a rapid decrease in the voltage between the collector and emitter electrodes of said transistor . . ."

It is obvious to one skilled in the art that THESE TWO ELEMENTS ARE NOT "introducing a voltage disruption to the nominal voltage." Neither a voltage disruption nor a nominal voltage are provided for in Arnoldi.

Second, as previously argued, the present application describes a voltage disruption as being a voltage spike or a low voltage condition. Arnoldi's design for monitoring a collector current does not disclose, describe, mention, teach, imply, hint at, or even remotely suggest that the TUT be subjected to a voltage disruption. Arnoldi's use of a ramp generator evidences the design choice not to subject the TUT to a high or low voltage condition and also evidences the fact that the system is not applying a nominal voltage. There is nowhere else in Arnoldi that even remotely suggests a voltage disruption. Thus, even after a liberal reading of Arnoldi, one skilled in the art has to conclude that Arnoldi does not provide a voltage disruption as defined by the present application.

Third, as previously argued, Arnoldi does not describe repeating a voltage disruption, as described in the claims. Arnoldi's design states that once the increments in current has caused secondary breakdown, the test is terminated. The test is not repeated. (Arnoldi Col. 2, L. 53-58) This is due to the fact that Arnoldi's design is testing for the safe operating level of the collector current; thus, Arnoldi is not testing for unexpected power disruptions. Arnoldi does not teach or suggest the use of repeated voltage disruptions to test a component, all of which is described in the present independent claim 1.

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It is clear that Claims 1-3 describe applying a nominal voltage, introducing a voltage disruption to the nominal voltage, and repeating the voltage disruption and therefore are distinguishable from the designs suggested in Arnoldi (US 3,979,672).

Comments On The Rejection Of Claim 8

Similar to claim 1, claim 8 describes a "nominal voltage", which is not present in Arnoldi. Thus, for most of the same reasons stated above, the elements of Applicant's claim 8 are not expressly or inherently described in Arnoldi. And, for at least the reasons described above with respect to "nominal voltage" and "voltage disruption", a person of ordinary skill in the field of the invention could not interpret the claimed invention of claim 8 to be the same as Arnoldi.

Comments On The Rejection Of Claim 17

**The Examiner is respectfully reminded AGAIN that claim 17 is written in means-plus-function form and therefore deserves, and which the Applicant demands and expects, the analysis accorded to it by the USPTO as promulgated under the supplemental guidelines for the examination of claims written in accordance with 35 U.S.C. §112, ¶6.** These guidelines are applicable to and guide the determination of the patentability of claim 17 in the present case. See *Supplemental Examination Guidelines for Determining the Applicability of 35 U.S.C. 112, P6,* 65 FR 38510, Federal Register Vol. 65, No. 120, June 21, 2000.

In conclusion, the present claims have significant distinguishable features over Arnoldi (US 3,979,672). Therefore, the rejection of claims 1-3, 8-10, and 17 under 35 U.S.C. § 102(b) should be withdrawn.

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**Rejections under 35 U.S.C. § 103**

Claims 4-7 and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable. Applicant respectfully traverses the rejection of claims 4-7 and 11-16. Claims 4-7 and 11-16 are dependent claims which ultimately depend from claim 1 or claim 8, both of which are believed to be patentable over the prior art of record for the reasons discussed hereinabove. Claims 4-7 and 11-16 are thus allowable as dependent claims depending from allowable independent claims and providing additional limitations thereto. Reconsideration and withdrawal of the rejection of claims 4-7 and 11-16 is respectfully requested.

**Conclusion**

For the aforementioned reasons, claims 1-17 are believed to be patentable over the prior art of record, therefore, reconsideration and withdrawal of the rejection of claims 1-17 is requested. Applicant respectfully asserts that the present claims particularly point out and distinctly claim the subject matter which is regarded as the invention.

Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is requested.

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Kirk A. Cesari, Reg. No. 47,479
Seagate Technology LLC
1280 Disc Drive
Shakopee, MN 55379-1863
Telephone: 952-402-3534
Fax: 952-402-2657

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## MARKED UP VERSION OF AMENDED CLAIMS

8. An electronic device power tester, comprising:

(a) ~~at least one power source~~ a nominal voltage;

(b) circuitry coupled to a power source, the circuitry being configured to produce a voltage disturbance; and

(c) a connector that links ~~linked from~~ the circuitry and the nominal voltage to a device.